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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	2:12-CR-478-JAD-(VCF)
)	
Plaintiff,)	
)	
v.)	Government's Unopposed Motion to
)	Continue the Deadline for the
JOSHUA MICHAEL RILEY,)	Government to File its Opposition
NICHOLAS COLLADO,)	to the Defendants' Motion for Partial
MARCO DANIEL ALVARADO,)	Return of Seized Assets Pursuant to
JACOB FISHER, and)	Stipulated Agreements
ALEXANDRA HAARDT,)	
)	
Defendants.)	

COMES NOW the United States of America, by and through the United States Attorney for the District of Nevada, and moves this Court to extend the deadline for the United States to respond to the Defendants' motion to release various items of seized property as designated in this Court's Final Order of Forfeiture and Stipulated Agreement (ECF No. 289) signed by the parties to this action. In their motion, filed on January 25, 2017 (and designated as Doc. No. 291), the defendants claimed that the United States has not yet turned over to them the proceeds of the Stipulated Agreement which was entered as an ancillary component of the Final Order of Forfeiture. Generally speaking, pursuant to the terms of that settlement, the parties have agreed to split the value of all the seized

1 assets with the United States receiving 85% of the total value and the defendants
2 receiving 15% of that value. The United States, by and through the United States
3 Department of Homeland Security (Customs and Border Protection), has been
4 undergoing the administrative process of disposing of the assets through auction, sale,
5 and accounting which has delayed its ability to reimburse the defendants pursuant to the
6 Stipulated Agreement. Recently, Customs has re-doubled its efforts to assure that the
7 defendants are promptly paid their designated allotment under the terms of that Stipulated
8 Agreement. As recently as February 7, 2017, (one day before the date of this motion)
9 legal counsel for Customs has represented to the undersigned that the assigned agency
10 that prepares and electronically delivers the payments, has sent the final authorization to
11 have the electronic transfer delivered within the next several days. Based on the
12 representations to undersigned counsel for the Government by Customs legal counsel, all
13 Government entities expect that the funds will be deposited in the appropriate account in
14 as little as twenty-four hours, and no later than the next several days. If the funds are
15 delivered to the account as expected, and the defendants are otherwise satisfied with the
16 sum deposited, the litigation spawned by the defendants' motion to release property will
17 be moot, resolving this matter.

18 Counsel for the Government has discussed this matter with Robert DeMarco
19 Associate at Chesnoff & Shonfeld, defendants' counsel, and he has consented to this brief
20 continuance while the agency implements the final step to have this money sent to
21 counsel's clients.

22 Accordingly, the United States requests a brief period of time, not to exceed four
23 business days (or until February 13, 2017), to finalize the administrative steps and deliver
24 the funds to the appropriate account designated by the defendants.

25 This motion is not submitted solely for the purpose to delay or for any other
26 improper purpose.

1 WHEREFORE, for all of the reasons stated above, the United States moves this
2 Court to continue the time for the Government to respond to the defendants' motion for
3 release of property until February 13, 2017.

4 Dated: February 8, 2017

5 DANIEL G. BOGDEN
6 United States Attorney

7 /s/ Michael A. Humphreys
8 MICHAEL A. HUMPHREYS
9 Assistant United States Attorney

10 IT IS SO ORDERED:

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12 _____
13 UNITED STATES DISTRICT JUDGE

14 DATED: 2/9/2017
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PROOF OF SERVICE

A copy of the foregoing was served upon counsel of record via Electronic Filing on February 8, 2016.

/s/ Mary Stolz
MARY STOLZ
FSA Paralegal